

1 STEVEN H. GURNEE, ESQ. SB# 66056
2 DAVID M. DANIELS, ESQ. SB# 170315
3 NICHOLAS P. FORESTIERE, ESQ. SB# 125118
4 GURNEE & DANIELS LLP
2240 Douglas Boulevard, Suite 150
Roseville, CA 95661-3805
Telephone (916) 797-3100
Facsimile (916) 797-3131

6 Attorneys for Defendants
7 ALDERWOODS GROUP, INC.,
8 SERVICE CORPORATION INTERNATIONAL,
9 SCI FUNERAL AND CEMETERY PURCHASING COOPERATIVE, INC.,
10 SCI EASTERN MARKET SUPPORT CENTER, L.P.
11 SCI WESTERN MARKET SUPPORT CENTER, L.P.
12 a/k/a SCI WESTERN MARKET SUPPORT CENTER, INC.,
13 SCI HOUSTON MARKET SUPPORT CENTER, L.P.,
14 THOMAS RYAN, PAUL A. HOUSTON, JANE JONES,
15 CURTIS BRIGGS, AND GWEN PETTEWAY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

1 On the date, time and department set forth above, Plaintiffs' Administrative Motions¹ for
 2 an Extension of Time to File a Response\Reply to Defendants' currently pending motions,
 3 including Motions to Dismiss, Strike, Request a More Definite Statement, and/or for Attorneys'
 4 Fees and Stay² in this case, *Bryant et al v. Alderwoods*, Case No. 07-5695 SI ("*Bryant I*"), and in
 5 the related cases of *Helm et al v. Alderwoods Group, Inc. et al.* Case No. 08-01184-SI ("*Helm*")
 6 and *Bryant et al v. Service Corporation International et al.* Case No. 08-01190-SI ("*Bryant II*"),
 7 came on for a telephonic hearing before the Honorable Susan Illston. Defendants filed oppositions
 8 to plaintiffs' Administrative Motions.³ Annette Gifford and Sanford Rosen appeared on behalf of
 9 all the plaintiffs. Nick Forestiere and John Mason appeared on behalf of all of the defendants.

10 After consideration of the briefs and arguments of counsel, agreement of the parties as to
 11 the transfer of *Bryant I*, and all other matters presented to this Court:

12 IT IS HEREBY ORDERED as follows:

13 1. All of the plaintiffs' Administrative Motions in the three related cases *Bryant I*,
 14 *Bryant II* and *Helm* (*Bryant I* Docket No. 60; *Bryant II* Docket No. 36; *Helm* Docket Nos. 45 and
 53.) are hereby terminated.

15 2. Defendants hereby withdraw without prejudice all of their pending motions in the
 16 three related cases of *Bryant I*, *Bryant II* and *Helm* (*Bryant I* Docket Nos. 43 and 47; *Bryant II*
 17 Docket Nos. 29, 30 and 31; *Helm* Docket Nos. 40, 41,42 and 50), subject to those motions being
 18 re-filed as set forth herein below. The April 25, 2008 and May 9, 2008 hearing dates for those
 19 motions are hereby vacated. Plaintiffs shall not attempt to take the defaults of any of the
 20 Defendants in *Bryant I*, *Bryant II* or *Helm* as a result of the withdrawals of those motions.

21 3. As to *Bryant I*, the case is ordered to be transferred to the U.S. District Court for the
 22 Western District of Pennsylvania effective June 20, 2008. The transfer is made pursuant to the
 23 stipulation of the parties, and the Court finds that it is in the interests of justice and judicial
 24 economy. The Court further finds that the *Bryant I* case is related to the action pending before
 25 Judge Joy Flowers Conti in the U.S. District Court for the Western District of Pennsylvania
 26 captioned *Prise, et al. v. Alderwoods Group, Inc. and Service Corporation International*, W.D. Pa.

27

¹ *Bryant I* Docket No. 60; *Bryant II* Docket No. 36; and *Helm* Docket Nos. 45 and 53.

28 ² *Bryant I* Docket Nos. 43 and 47; *Bryant II* Docket Nos. 29, 30 and 31; and *Helm* Docket Nos. 40, 41,42 and 50.

³ *Helm* Docket Nos. 48 and 56; *Bryant II* Docket 39.

Case No. 06-1641 (“*Prise I*”), and that *Bryant I* should be assigned to Judge Conti’s courtroom for further proceedings. Defendants shall be allowed to move, plead or otherwise respond to the amended complaint within 30 days from the date that the case has been docketed in the court for the Western District of Pennsylvania and assigned a case number. The transfer is without waiver of any of Defendants’ objections, arguments, or requests for relief, including those in Defendants’ previously filed motions that would still be valid after the case is transferred, except for any venue, forum, or jurisdictional objection that arises solely because of the transfer.

4. As to *Bryant II* and *Helm*, the court will proceed with the plaintiffs' motions for remand (*Helm* Docket No. 43; *Bryant II* Docket No. 34) that are presently set for hearing on May 9, 2008. The parties will file their briefs regarding those motions as required by this court's local rules.

5. A Case Management Conference for the related cases is presently set for 2:00 p.m. on June 20, 2008 in Department 10. The parties are required to file a joint case management conference statement on or before June 13, 2008. The court will review the status and disposition of the related cases at that time. Should the court deny the motions for remand in *Helm* and/or *Bryant II*, then the parties shall meet and confer to discuss whether they should be transferred to another district. If the parties cannot reach agreement regarding their transfer, then the parties seeking a transfer shall file a motion to transfer that will be heard at 9:00 a.m. on June 20, 2008. Should either *Helm* and/or *Bryant II* not be remanded or transferred to another district, then the court will then set a date for the Defendants to move, plead or otherwise respond to the amended complaints in those actions.

IT IS SO ORDERED.

Dated:

Susan Histon

United States District Court Judge

Approved as to Form:

ROSEN BIEN & GALVAN, LLP

/s/ Sanford Jay Rosen

By: Sanford Jay Rosen

Attorneys For Plaintiffs

111

1 Dolin, Thomas & Solomon LLP

2
3 /s/ Annette Gifford

4 By: Annette Gifford
5 Attorneys For Plaintiffs

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28